



ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
Memorandum

04-AP-E

DATE: October 12, 2004
FROM: Gary Bowden *Gary Bowden*
SUBJECT: Proposed Revision of Appeals Form 4
TO: John Rabiej

I am writing you to request the Advisory Committee on Appellate Rules consider making modifications to Form 4, Affidavit Accompanying Motion for Permission to Appeal in Forma Pauperis, contained in the Appendix of Forms to the Rules of Appellate Procedure. In particular, the committee may wish to consider the last line of Form 4 that requests an applicant for in forma pauperis status in the court of appeals provide a social security number.

As you know, the Judicial Conference has adopted significant measures to protect the privacy rights of parties. In addition, the Congress has been increasingly imposing restrictions on the disclosure of social security numbers, and has proposed legislation (that will probably be reintroduced during the next Congress) that carries potentially criminal sanctions for the disclosure of social security numbers.

In light of the widespread concern regarding the misuse of social security numbers, the apparent requirement that an applicant seeking in forma pauperis status provide such information, in a publicly-available document, may need to be reconsidered by the Advisory Committee on Appellate Rules, especially since such information is not required for in forma pauperis status in the district courts.

It is recognized that while the social security number is not required by rule, the request for such information on Form 4 can be easily misconstrued and considered to be mandatory.

Moreover, I note that the applicant for in forma pauperis status in a court of appeals is asked to provide far more information than is required of an applicant for that status in the district court. Could it be suggested to the Advisory Committee on Appellate Rules that the appellate form conform more closely to the district form. A recent informal poll of many court of appeals clerks indicates that this additional personal

information is not necessary and in fact, is most often not relevant in the review process.

If I, or anyone on the ACCAD staff, can assist you with any information or further comments, please contact me.